

Section 845 - Restricted Access Parking Lots

845.01 Purpose and Definitions.

Subd. 1 **Purpose.** The Council finds that restricted access parking lots may become more prevalent within the City, and that their creation results in problems related to traffic congestion and emergency vehicle access, among others, and that the licensing and control of such lots is necessary to maintain and promote the public health, safety and general welfare.

Subd. 2 **Definitions.** For the purposes of this Section, the following terms shall have the stated meanings:

Free Parking Lot. A parking lot to which access is unrestricted.

Motor Vehicle. Every vehicle which is self-propelled and not deriving its power from overhead wires.

Motor Vehicle Reservoir Area. The area at the entrance of a restricted access parking lot between the public street right-of-way line and the point at which access to the parking lot is restricted.

Parking Lot. Any area with ten or more parking spaces used for the parking or storing of motor vehicles, including, without limitation, parking ramps as defined in Section 850 of this Code, which is operated for the benefit of persons such as, but not limited to, employees, members, customers, patrons, clients or visitors.

Restricted Access Parking Lot. A parking lot to which access is restricted by mechanical or other means.

845.02 License Required. No person shall own or operate, or in any way offer to operate, a restricted access parking lot without first obtaining a license pursuant to this Section.

845.03 License Procedure. The provisions of Section 160 of this Code shall apply to all licenses required by this Section and to the holders of the licenses.

845.04 License Application. Any person desiring a license to own or operate a restricted access parking lot shall file an application with the Engineer on forms provided by the Engineer. The application shall be accompanied by the fee in the amount set forth in Section 185 of this Code. The application shall contain, in addition to the information required by Section 160 of this Code, the name of the owner of the parking lot and the name of the manager or operator of the parking lot if different from the owner. The applicant shall also submit a plan, drawn to scale, showing such information as is required by the Engineer, including, without limitation, all entrances and exists, the location of motor vehicle reservoir areas, the interior circulation system of the parking lot, the dimensions and

grade of the parking lot and of all entrances and exits, drainage from the parking lot, the location and design of attendant buildings, the location of emergency vehicle access, the location and size of self-service ticket vendors, landscaping or screening as required by Subsection 850.10 of this Code, the location, size and shape of all signs, the location, height and kind of outdoor lights, and the location of the free access driveway as required by Subsection 845.15. No application shall be considered complete unless the Engineer has determined that the plan complies with all requirements and standards of this Section and other applicable provisions of this Code.

845.05 Approval by Engineer. Prior to the issuance of a license, the Engineer shall determine if the parking lot complies with all the provisions and standards of this Section and other applicable provisions of this Code, including, without limitation, the provisions of Section 850 of this Code. If all such provisions are met, and proper application has been made, the City may grant the license.

845.06 Insurance Required. Each licensee holder at all times shall keep in full force and effect a public liability insurance policy, written by an insurance company authorized to do business in the State, in the following minimum amounts: \$100,000 for injury to or death of one person, \$500,000 for injury or death from any one occurrence, and \$50,000 for damage to property arising from any one incident. A certificate of insurance shall be filed with the license application.

845.07 Revocation, Suspension or Denial of License. A license granted under this Section may be revoked, suspended or denied pursuant to the provisions of Section 160 of this Code. Violation of any of the terms of this Section shall be cause for revocation, suspension, or refusal to renew a license.

845.08 Inspection Required; Notice, Correction of Violations. At such times as deemed necessary by the City, the Engineer shall cause every restricted access parking lot located within the City to be inspected. In the event a restricted access parking lot is found not in compliance with any of the provisions of this Section or of any other applicable provisions of this Code, the City may proceed to enforce this Section pursuant to the procedures set out in this Section, or Section 160 or other applicable sections of this Code.

845.09 Motor Vehicle Reservoir Area. A restricted access parking lot shall have a motor vehicle reservoir area at each entrance from a public right-of-way. The motor vehicle reservoir area for a restricted access parking lot shall have at least four, eight and one-half foot by 20 foot, spaces for stacking of motor vehicles. The motor vehicle reservoir area shall be conspicuously outlined with pavement paint and shall not be used for the parking or storage of motor vehicles or for any other use which hinders, restricts or prevents use of such area as a motor vehicle reservoir.

845.10 Placement of Motor Vehicles. No motor vehicle shall be parked in a manner that would prevent reclamation of any motor vehicle upon request. If claim checks are used to restrict access to the restricted access parking lot, then at no time shall any driver with a current claim check be refused the opportunity to obtain the driver's motor vehicle, provided the driver has paid accumulated parking charges.

845.11 Emergency Vehicle Access. Each restricted access parking lot shall be designed or operated in a manner approved by the Engineer so as to allow emergency vehicles to access the building or buildings served by the restricted access parking lot at any time without a claim check and without going through a motor vehicle reservoir area. Such emergency vehicle access at all times shall be kept free of motor vehicles, snow, ice, fill, refuse, or any other material or thing which will or may block such access.

845.12 Claim Check. When a motor vehicle is left for parking in a restricted access parking lot, the driver shall be furnished with a claim check on which shall be printed the full name of the operator, the address of the parking lot, the license number under which the parking lot is operating, and the date and time of issuance of the claim check.

845.13 Attendant Buildings. Attendant buildings shall be located only at exits to restricted access parking lots and shall be located no closer than 20 feet from the street right-of-way. Minimum standards for the materials and general design of attendant buildings shall be as follows:

Subd. 1 **Interior of Building.** Attendant buildings shall have a minimum floor area sufficient to accommodate the normal complement of parking lot operating personnel. The building shall be enclosed and weather tight. It shall be equipped with an operable and lockable door and window. It shall be set on a curb or platform rising a minimum of six inches above the adjacent lot paving. Service connections shall be in accordance with applicable provisions of this Code.

Subd. 2 **Exterior of Building.** Exterior wall finishes shall be one, or a combination, of the following: face brick, natural stone, glass or prefinished metal panels.

Subd. 3 **Building Plans.** All building plans for attendant buildings shall be submitted to the Building Official to determine compliance with this Section and all other applicable provisions of this Code.

Subd. 4 **Condition of Building.** Attendant buildings shall be kept clean and in good condition and repair at all times.

845.14 Information Signs. Every restricted access parking lot licensee shall maintain information signs in the parking lot as required by this Subsection.

Subd. 1 **Content and Appearance.** There shall be a sign at each entrance to the parking lot, located at the point at which access to the parking lot is restricted. Each such sign shall show the name and telephone number of the licensee, the license number under which the parking lot is operating, and if charges are made, the rates charged for parking or storing motor vehicles on said parking lot. Such signs shall state the minimum rate, the maximum rate for 12 hours and the maximum rate for 24 hours, and if there are no maximum rates, the sign shall so state. Such signs shall also state all special rates, including any weekly or monthly rates. No change in the posted rates shall be effective until notice of such change has been given, not less than 24 hours prior to the effective time of the change, by posting the same on the parking lot entrance signs using letters and

numbers at least equal in size to the other letters and numbers on such sign. Such signs shall not exceed six square feet, shall be permanently mounted with a minimum distance to the bottom of the sign of three feet, and a maximum distance to the bottom of the sign of five feet, and shall conform to all provisions of this Code regarding erection and construction. Layout of sign graphics shall be approved by the Engineer, including color, size of lettering, placement of information and identification symbols. In no case shall any letters or numerals be less than two inches in height.

Subd. 2 **Graphics.** No sign graphics of any type shall be attached to or displayed on any attendant building except that a sign may be attached or incorporated into the building design which specifies the hours of attendant duty, the location of keys after attendant hours, the name, phone number and license number of the licensee, and any other information essential to the normal operation of the lot.

Subd. 3 **Towing Sign.** All restricted access parking lots which engage in towing of unauthorized motor vehicles shall post such practice on a sign at each lot entrance. In addition, each such sign shall include the name and telephone number of the tower used. Letters on such signs shall be at least one inch in height. Such signs shall not exceed two square feet, and shall be located on the same support or supports as the entrance sign required by Subd. 1 of this Subsection, but below such entrance sign.

Subd. 4 **Stated Charges.** No restricted access parking lot licensee shall charge, or allow to be charged, any greater sum for parking a motor vehicle than is stated on the entrance signs.

Subd. 5 **Condition of Signs.** All signs shall be kept in good condition and repair at all times.

845.15 Access to Building. Each restricted access parking lot shall provide at least one driveway through the parking lot, which may be one-way, giving clear access to the building or buildings served by the parking lot, with an entrance to and exit from the driveway directly to a public street, so that persons can be dropped off and picked up at such building or buildings, at any time, without a claim check and without going through a motor vehicle reservoir area.

845.16 Variances. Any restricted access parking lot licensee, and any person applying for a restricted access parking lot license, who desires a variance or variances from any of the requirements of this Section may file a petition for the variance or variances with the Engineer. The petition shall be on forms provided by the Engineer. The petition shall be accompanied by plans which clearly illustrate, to the satisfaction of the Engineer, the changes from the plan or from the requirements of this Section which will result if the variance or variances are granted. The petition, together with said plans and the report of the Engineer, shall be submitted to the Council within 30 days after it is submitted to the Engineer. Provided, however, if the variance petition is by a person applying for a restricted access parking lot license, then the Engineer shall not submit the variance petition, plans and report to the Council until the Engineer has first determined that the application for a license is complete and all requirements of this Section have been complied with, except for the requirements described in and to be varied by the variance petition, but the petition shall be submitted to the Council within 30 days after the determination

is made. The Council shall hear and decide the petition within 60 days after submission of the petition to the Council. The Council may grant the variance if it finds that the strict enforcement of this Section would cause undue hardship because of circumstances unique to the petitioner's property and not created by the petitioner, and that the grant of the variance is in keeping with the spirit and intent of this Section. The act of creating a restricted access parking lot, by itself, shall not be deemed a circumstance created by the petitioner so as to disallow the grant of the requested variance or variances. The Council, in granting a variance, may impose conditions to ensure compliance with the purpose and intent of this Section and to protect adjacent properties.

845.17 Unauthorized Use of Vehicle. No personnel of a restricted access parking lot shall use or permit the use, for any purpose whatsoever, of any motor vehicle left in the lot for parking unless authorized in writing by the owner or person in charge of the vehicle.

845.18 Transferring Vehicle to Another Lot. No restricted access parking lot personnel shall transfer any motor vehicle to another parking lot without the consent of the owner or person in charge of the vehicle unless the vehicle is in the lot without permission or payment of parking charges.

845.19 Prohibited Acts. The licensee of a restricted access parking lot shall not permit the repairing, except in an emergency, dismantling or wrecking of any motor vehicle, or the storage of any inoperable vehicles, as defined in Section 1045 of this Code, on the parking lot.

History: Ord 824 adopted 4-27-90

Cross Reference: Sections 160, 185, 850, 1045; Subsection 850.10